In the High Court of Judicature for Rajasthan
Jaipur Bench
**
Cr. Msc. Petition No.1529/2005
Abdul Rashid ***Versus*** Sajida Bano

Date of Order ::: 12/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. Tanvir Ahmed for Mr. Bhanwar Bagri, for petitioner

Instant petition has been filed by accused assailing order dt.20/12/04 in Cr.Misc.Case-380/03 whereby Addl. Chief Judl. Mag. Gangapur City granted interim maintenance to respondent @ Rs.1000/- per month from the date (06/11/03) of application U/s 125, CrPC.

Counsel submits that application U/s 125, CrPC was not maintainable in view of S.4 of Muslim Women (Protection of Rights on Divorce) Act, 1986.

All such objections raised (supra) can be considered by trial Court at the stage of final disposal of application U/s 125, CrPC. However, this Court does not find any infirmity in the order impugned granting interim maintenance which may call for interference U/s 482, CrPC.

Consequently, misc. petition fails and is hereby dismissed. However, is it made clear that objections (supra), if raised by petitioner, shall be considered objectively in accordance with law while finally disposing of application U/s 125, CrPC.

(**Ajay Rastogi), J.**